IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No. 3978 of 2007

For Approval and Signature:

HONOURABLE MR.JUSTICE AKIL KURESHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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KANJIBHAI NATHABHAI PRAJAPATI - Applicant(s)
Versus
STATE OF GUJARAT - Respondent(s)

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Appearance :
MR MAHENDRA K PATEL for Applicant(s) : 1,
MR AY KOGJE APP for Respondent(s) : 1,

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CORAM : HONOURABLE MR.JUSTICE AKIL KURESHI

Date : 17/04/2007

ORAL JUDGMENT

Rule. Learned Additional Public Prosecutor Shri Kogje waives service of rule on behalf of State.

2. The applicant seeks anticipatory bail in case of his arrest pursuant to the complaint dated 21.8.2004 filed before Visnagar Police Station being C.R.No. I 302/2004.

3. Learned advocate Shri Mahendra K.Patel for the applicant pointed out that the applicant had earlier filed Criminal Misc. Application No. 8952 of 2004 seeking quashing of the complaint. During the pendency of this application, the Court had stayed further investigation. On 24.1.2007 learned Single Judge of this Court disposed of the said Criminal Misc. Application and refused to quash the complaint qua the applicant. It has, therefore, become necessary for the applicant to move this application seeking anticipatory bail after the Court disposed of the quashing petition.

4. Having heard learned advocate Shri Patel for the

applicant and learned APP Shri Kogje for the State, I find that the allegations against the applicant pertain to his having taken loan/having stood as guarantor for certain loans taken from the Suryodaya Co.op. Credit Society and not being able to repay the loan amounts. Considering the allegations and the amounts of loan involved, I find that this is a fit case for granting prayer of anticipatory bail.

5. In the result, it is directed that in the event the applicant is arrested in connection with the complaint-C.R.No.I 302/2004 dated 21.8.2004 filed before Visnagar Police Station, he shall be released on bail on furnishing security of Rs.5,000/- on following conditions:

a) that the applicant shall cooperate with the investigation and make himself available for interrogation whenever required.

b) shall remain present before the police station on 20th April, 2007 between 9 a.m. to 2 p.m.

c) shall not hamper the investigation in any manner nor shall induce, give threats or promise to any witness.

d) shall furnish his address to investigating officer and the concerned court.

e) will not leave India without the permission of the Court and if he is holding a passport, shall surrender the same before the trial court within one week.

f) it would be open to the investigating officer to seek remand if found necessary and the learned Magistrate would decide such an application on merits.

g) this order will be operative for a period of 90 days from today.

h) within a period of 10 days from the date of the arrest, the applicant shall apply for regular bail which application shall be decided by the competent

court in accordance with law.

6. With these directions, the Criminal Misc. Application is disposed of. Rule is made absolute accordingly.

[AKIL KURESHI, J.]

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